

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 1-3 were pending in this application. By way of this Reply, claims 1-3 have been amended and claims 4-8 have been added. Thus, claims 1-8 are pending in this application. Claims 1 and 7 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 7.

#### **Claim Amendments**

Claims 1-3 have been amended in this Reply to clarify the present invention recited. These amendments are fully supported, for example, by the original claims, the descriptions on page 11, lines 12-16, of the original Specification, and Figs. 1 and 3 of the original Drawings. Also, claim 4-8 have been added. These amendments are fully supported, for example, by the descriptions on page 14, lines 14-21, and Figs. 1 and 3 of the original Drawings. No new matter has been added.

#### **Objection(s)**

The drawings were objected to because Figures 13 and 14 lacked the designation "Prior Art." The drawings have been amended in this Reply. Accordingly, withdrawal of this objection is respectfully requested.

The claims are objected to for being indefinite. Specifically, the Examiner asserted that the term “detective member” recited in claims is unclear. Claims 1-3 have been amended in this Reply to clarify the present invention recited. Also, Applicant respectfully submits that the detective member recited in claims corresponds to a detective button 30, for example, as shown in Fig. 1. In addition, a first electrode recited in claims corresponds to one of capacitance element electrodes E1-E4 and second electrode corresponds recited in claims to a displacement electrode 12. Further, a flexible board recited in claims is corresponds to flexible printed circuit board (FPC) 11. Accordingly, withdrawal of this objection is respectfully requested.

#### **Rejection(s) under 35 U.S.C § 102**

Claims 1-3 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,373,265. Claims 1-3 have been amended in this Reply to clarify the present invention recited. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Independent claim 1, as amended, is directed to a capacitance type sensor for detecting displacement of a detective member corresponding to a change in capacitance. Specifically, as shown in Fig. 1, for example, a portion of the sensor has a displaceable detective button 30, a plurality of fixed electrodes E1-E4, and a displacement electrode 12. The electrodes E1-E4 and the displacement electrode 12 is disposed on one side of a flexible print circuit board (FPC) 11, and both face each other by folding the FPC 11 in half. More specifically, claim 1 includes the limitation of “a flexible board on which the first electrode and the second electrode are disposed, the flexible board being folded such that

the first electrode and the second electrode face each other.” See also page 11, lines 12-26 of the original Specification.

Morimoto et al., in contrast, fails to show or suggest at least the above limitation recited in claim 1. Morimoto et al. merely discloses an electrostatic capacitive touch sensor. Specifically, as shown in Fig. 1, Morimoto et al. discloses the sensor S comprising a substrate 1, fixed electrodes Dx+, Dx-, Dy+, and Dy- mounted on the substrate 1, and a movable electrode plate 2, having a conductive rubber layer section 21, mounted on the substrate 1. As is apparent from Fig. 1, the substrate 1 is formed in a plate. The conductive rubber section 21 faces the fixed electrodes Dx+, Dx-, Dy+, and Dy- by being mounted on the substrate 1 in a conventional manner. There is no mention of that a flexible board is folded, whereby a first electrode and a second electrode face each other. Thus, Morimoto et al. fails to show or suggest at least the flexible board as recited in claim 1.

In view of the above, Morimoto et al. fails to show or suggest the present invention as recited in claim 1 as amended. Thus, independent claim 1 as amended is patentable over Morimoto et al. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested. Also, entry and allowance of new dependent claims 4-6 is respectfully requested.

New independent claim 7 has been added in this Reply. Claim 7 is directed to the same subject matter as recited in claim 1 discussed above. Specifically, claim 7 includes the limitation of “a flexible board mounted on the substrate, wherein a first electrode is disposed on a first portion of the flexible board and a second electrode is disposed on a second portion of the flexible board, and the first electrode and the second electrode face each other by folding the flexible board.”


As discussed above, Morimoto et al. fails to show or suggest a flexible board as recited in claim 1. Morimoto merely discloses an electrostatic capacitive touch sensor having the movable electrode plate 2 that simply mounted on the substrate 1, which is a flat, plate-like substrate. Claim 7 includes similar limitations to claim 1 as amended. Therefore, Morimoto et al. fails to show or suggest the claimed invention as recited in new claim 7. Thus, claim 7 is patentable over Morimoto et al. Dependent claim 8 is also allowable for at least the same reasons. Accordingly, entry and allowance of new claims 7 and 8 is respectfully requested.

#### **Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 07700.038001).

Respectfully submitted,

Date: 6/7/04



Jonathan P. Osha, Reg. No. 33,986  
OSHA & MAY L.L.P.  
One Houston Center, Suite 2800  
1221 McKinney Street  
Houston, TX 77010  
Telephone: (713) 228-8600  
Facsimile: (713) 228-8778

IN THE DRAWINGS:

Please amend Figures 11 and 12 as shown in the enclosed replacement sheet. Also, Applicants submit that the replacement sheet is formal and enclose a separate letter to the Official Draftsperson. Figures 11 and 12 have been amended to indicate the designation "Prior Art." No new matter has been added by these amendments.